

D.N.J. LBR 3018-2 ACCEPTANCE/REJECTION OF PLANS

Unless the Court directs otherwise, ballots shall be filed with the attorney for the plan proponent. At or before the chapter 11 confirmation hearing, the plan proponent shall file a certification of balloting, under penalty of perjury, summarizing both the numbers and amounts of acceptances and rejections in each class, and certifying to their timely filing. The ballots shall be retained by the party completing the certification for a period of two years from the time of closing of the case. A copy of the certification shall be served on the debtor, debtor in possession, trustee, if any, United States trustee and any committee appointed pursuant to the Code, any party having filed a notice of appearance in the case, and such other persons as the Court may direct.

1997 Comment: Formerly Local Rule 22.

2004 Comment: This rule is amended as a result of the Court's transition to Case Management/Electronic Case Filing (CM/ECF). This amendment requires that unless the Court directs otherwise, ballots are to be filed with the attorney for the plan proponent. At or before the chapter 11 confirmation hearing, the certification of balloting is then filed with the court, under penalty of perjury, by the party with whom ballots have been filed. The party filing the certification, must certify to both the numbers and amounts of acceptances and rejections in each class, as well as to the timely filing of same. The ballots are to be retained by the party with whom they have been filed, for a period of two years from the date of case closing, and need not be filed with the Court. This amendment also conforms with the requirements of **Official Form 14** (Ballot for Accepting or Rejecting Plan) which allows for mailing of the ballot to the attorney for the plan proponent.

Reference: 11 U.S.C. § 1126 Acceptance of plan.